

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DESHAWN HERNANDEZ,

Defendant.

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Case No. 8:09CR457

ORDER

This case is before the court on the defendant's Motion (#517). The motion requests the court to authorize Pretrial Services to investigate a proposed plan of release for the defendant. After reviewing the indictment, the Detention Order (#86), the defendant's two prior motions to release (#116) and (#315), the December 21, 2009 Pretrial Services report, the record of the December 29, 2009 detention hearing, and the transcripts of the first three days of hearings on defendant's motion to suppress, I find the motion should be denied.

Any release of the defendant fails to address the court's concerns of flight and danger based upon her prior record of failure to appear, prior conviction for assault and battery, attempted robbery (felony), her use of aliases, evidence adduced at her January 7, 2010 detention hearing, and evidence adduced during the three days of hearings on her pending motions. It appears clear from the record that the defendant was substantially involved with financial matters involving the drug conspiracy and that the weight of evidence against the defendant is high. Additionally, the proposed placement fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

IT IS ORDERED:

1. The defendant's Motion (#517) for a review of detention, is denied without hearing.

2. A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

Dated this 1st day of October 2010.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge